

**VETERINARY EXAMINING BOARD  
MINUTES  
OCTOBER 19, 2011**

- PRESENT:** Wesley Elford, D.V.M.; Marthina Greer, D.V.M.; Brenda Nemec, C.V.T.; William Rice, D.V.M.; Sheldon Schall; Robert R. Spencer, D.V.M.; Theresa Waage; Neil Wiseley, D.V.M.
- EXCUSED:** None.
- STAFF:** Dan Williams, Executive Director; Lydia Thompson, Legal Counsel; Kimberly Wood, Bureau Assistant; and other Department Staff
- GUESTS:** Yvonne Bellay, Department of Agriculture, Trade and Consumer Protection (DATCP); Kelly McDowell, Wisconsin Veterinary Medical Association (WVMA)

**CALL TO ORDER**

Robert Spencer, Chair, called the meeting to order at 9:45 a.m. A quorum of eight (8) members was present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Item F (open session) under the agenda item titled: “Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement” items were amended as follows:
  - **ADDITION:** Add the following item for presentation:
    - Erika R. Lukas, DVM – 10 VET 001
      - a) Attorney Pamela Stach
      - b) Case Advisor William Rice
  - **REMOVAL:** Remove the following items for presentation:
    - 10 VET 016 – Derrick E. Donovan, DVM
    - 08 VET 029 – Jagjit S. Kaleka, DVM
    - 10 VET 028 – Paul E. Lindstrom, DVM
    - 10 VET 041, 10 VET 052 – Hedrick A Wiley, Jr., DVM
    - 10 VET 061 – Monica A. Inniss, DVM
    - 11 VET 016 – Richard H. McConnell, DVM
- Item H (open session) under the agenda item titled: “Informational Items” make the following addition:
  - **ADDITION:** Report of the 2011 AAVSB Annual Meeting – Marthina Greer

- Item K (closed session) under the agenda item titled: “Deliberation of Proposed Stipulations, Final Decisions and Orders Including Any Received After Printing of the Agenda” make the following addition:
  - **ADDITION:** Add the following item for deliberation:
    - Erika R. Lukas, DVM – 10 VET 001
      - Attorney Pamela Stach
      - Case Advisor William Rice
- Item L (closed session) under the agenda item titled “Deliberation of Proposed Administrative Warnings Including Any Received After Printing of the Agenda” make the following addition:
  - **ADDITION:** Add the following item for deliberation:
    - 10 VET 009 (S.S.)

**MOTION:** William Rice moved, seconded by Neil Wiseley, to adopt the agenda as amended. Motion carried unanimously.

### **APPROVAL OF MINUTES OF AUGUST 3, 2011**

#### **Amendments to the Minutes:**

- **Page 3 of the Minutes:**
  - Under the agenda item titled “Items Received After Printing of the Agenda” correct the second sentence of the paragraph herein to read: “Legal counsel will respond as directed by the ~~h~~**B**oard.”
  - Under the agenda item titled “Informational Items” make changes to the second sub-header as follows: “Update on Statutory Changes related to Wis. Stat. 45~~63~~.06(3)(~~b~~) and rule changes to VE 8.0~~63~~(1)(e)”
- **Page 2 of the Minutes:**
  - Under the agenda item titled “Items for Board Discussion” beneath the sub-header titled “Letter from The Healing Oasis” correct the second sentence of the paragraph herein to read: “If this course is approved by the ~~AAVSB~~ **Registry of Approved Continuing Education (RACE)** it will be acceptable ~~for~~ **under VE 10.03(4)(f).**”
  - Under the agenda item titled “Speaking Engagement, Travel, Public Relation Requests” correct the first sub-header as follows “Delegate a Member of the Board to Attend the American Association of Veterinary State Boards (AA~~B~~**V**SB) Annual Conference, September 15-17, 2011, New Orleans, LA”

**MOTION:** Marthina Greer moved, seconded by Theresa Waage, to approve the minutes of August 3, 2011 as amended. Motion carried unanimously.

**ELECTION OF OFFICERS****CHAIR**

**NOMINATION:** Wesley Elford, D.V.M. nominated Robert Spencer, D.V.M. for the Office of Chair.

Robert R. Spencer, D.V.M. called for other nominations three (3) times.

Robert R. Spencer, D.V.M. was elected as Chair.

**VICE CHAIR**

**NOMINATION:** William Rice, D.V.M. nominated Marthina Greer, D.V.M. for the Office of Vice Chair.

Robert R. Spencer, D.V.M. called for other nominations three (3) times.

Marthina Greer, D.V.M. was elected as Vice Chair.

**SECRETARY**

**NOMINATION:** Brenda Nemec, C.V.T. nominated Neil Wiseley, D.V.M. for the Office of Secretary.

Robert R. Spencer, D.V.M. called for other nominations three (3) times.

Neil Wiseley, D.V.M. was elected as Secretary.

<b>2012 ELECTION RESULTS</b>	
Board Chair	Robert R. Spencer, D.V.M.
Vice Chair	Marthina Greer, D.V.M.
Secretary	Neil Wiseley, D.V.M.

**BUREAU DIRECTOR MATTERS**

Dan Williams reported to the Board with reference to the following administrative matters:

- The Division of Board Services has recently updated staffing assignments for the various boards, Committees and Councils under the purview of the Department.
  - Veterinary Examining Board Staff Changes: Dan Williams, Executive Director/Kimberly Wood, Bureau Assistant.
- The date of the Division of Enforcement (DOE) Case Advisor Training has moved to November 15, 2011. Board members who have not previously attended this training are encouraged to participate.

**2012 Meeting Dates**

The Board reviewed its 2012 meeting schedule. Dan Williams informed the Board that there may be scheduling issues due to staff assignment changes. Dan Williams will research if there is a need to change the Board's 2012 meeting dates and will notify the Board of any date changes.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND  
ORDERS BY THE DIVISION OF ENFORCEMENT INCLUDING ANY RECEIVED  
AFTER PRINTING OF THE AGENDA**

**10 VET 001 – Erica R. Lukas, DVM**

Pamela Stach, Division of Enforcement Attorney, presented the Proposed Stipulation, Final Decision and Order in the matter of the disciplinary proceedings against Erica R. Lukas, D.V.M. (10 VET 001). This matter will be deliberated in closed session.

**BOARD DISCUSSION ITEMS INCLUDING ANY RECEIVED  
AFTER PRINTING OF AGENDA**

**1) AAVSB Nominating Committee Report – *None***

The Board reviewed and noted the AAVSB Nominating Committee report.

- 2) Division of Enforcement Matters – *None***
- 3) Education and Examination Issues Matters – *None***
- 4) Credentialing Matters – *None***
- 5) Practice Questions/Issues**

Lydia Thompson, Legal Counsel, addressed concerns relating to responding to practice questions in terms of liability issues. She noted resources that are available to the profession and public in terms of answering legal questions.

Embryo Transfer Question: The Board discussed a question submitted by the WVMA regarding embryo transfers and worked to identify applicable statutes and rules that could be referenced in discerning a veterinary technician's scope of practice in this area. The Board referred this matter to the Rules Review Committee indicating that it should work to identify what rule or statutory changes, if any, should be made to better clarify this matter.

**MOTION:** William Rice moved, seconded by Theresa Waage, to direct Lydia Thompson to send a message to Kim Brown Pokorny, WVMA, indicating that the Board cannot provide specific legal advice, but to request that Counsel provide the applicable statute and rule citations by way of providing guidance. Motion carried unanimously.

Advertising and Dispensing, and Prescribing Medication Question: The Board reviewed a second question that was submitted by the WVMA and took the following action:

**MOTION:** Theresa Waage moved, seconded by Neil Wiseley, to direct Lydia Thompson to send a message to Kim Brown Pokorny, WVMA, indicating that the Board cannot provide specific legal advice, but to request that Counsel provide the applicable statute and rule citations by way of providing guidance. Motion carried unanimously.

**6) Legislation/Administrative Rule Matters**

Lydia Thompson reported to the Board that she went to testify before the Joint Committee for the Review of Administrative Rules (JCRAR) regarding the request for emergency rule extensions for VE 2.01(2) & VE 3.03. She informed the Board that the JCRAR granted the 60 day extension of these rules. She indicated that the permanent rule is anticipated to take effect on or before November 1, 2011.

**7) Liaison Reports – None**

**8) Speaking Engagement, Travel, Public Relation Requests – None**

**INFORMATIONAL ITEMS**

**Report of the 2011 AAVSB Annual Meeting – Marthina Greer**

Marthina Greer reported to the Board regarding her experience at the 2011 AAVSB Annual Meeting.

**CLOSED SESSION**

**MOTION:** Theresa Waage moved, seconded by Brenda Nemec, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Roll Call Vote: Wesley Elford-yes; Marthina Greer-yes; Brenda Nemec-yes; William Rice-yes; Sheldon Schall-yes; Robert Spencer-yes; Theresa Waage-yes; and Neil Wiseley-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:56 a.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY  
FOLLOWING CLOSED SESSION**

**MOTION:** Brenda Nemec moved, seconded by Marthina Greer, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:09 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF  
VOTING IS APPROPRIATE**

**DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND  
ORDERS INCLUDING ANY RECEIVED AFTER PRINTING OF THE AGENDA**

**1) 08 VET 029 – Jagjit S. Kaleka, D.V.M.**

A replacement stipulation was provided to the Board.

**MOTION:** Marthina Greer moved, seconded by Theresa Waage, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against **Jagjit S. Kaleka, D.V.M. (08 VET 029)**. Motion carried unanimously.

**2) 10 VET 016 – Derrick E. Donovan, D.V.M.**

A replacement stipulation was provided to the Board.

**MOTION:** William Rice moved, seconded by Marthina Greer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against **Derrick E. Donovan, D.V.M. (10 VET 016)**. Motion carried unanimously.

**3) 10 VET 028 – Paul E. Lindstrom, D.V.M.**

A replacement stipulation was provided to the Board.

**MOTION:** Wesley Elford moved, seconded by Theresa Waage, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the disciplinary proceedings against **Paul E. Lindstrom, D.V.M. (10 VET 028)**. Motion carried unanimously.

**4) 10 VET 041, 10 VET 052 – Hedrick A. Wiley, Jr., D.V.M.**

**MOTION:** Marthina Greer moved, seconded by Neil Wiseley, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter disciplinary proceedings against **Hedrick A. Wiley, Jr., D.V.M. (10 VET 041 & 10 VET 052)**. Motion carried unanimously.

**5) 10 VET 061 – Monica A. Inniss, D.V.M.**

**MOTION:** Wesley Elford moved, seconded by Brenda Nemec, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against **Monica A. Inniss, D.V.M. (10 VET 061)**. Motion carried unanimously.

6) **11 VET 016 – Richard H. McConnell, D.V.M.**

**MOTION:** William Rice moved, seconded by Sheldon Schall, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against **Richard H. McConnell, D.V.M. (11 VET 016)**. Motion carried unanimously.

7) **10 VET 001 – Erika R. Lukas, D.V.M.\*\***

**MOTION:** Wesley Elford moved, seconded by Neil Wiseley, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against **Erika R. Lukas, D.V.M. (10 VET 001)**. Motion carried unanimously.

*(\*\* Denotes an items for consideration that were received after printing of the agenda.)*

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS INCLUDING ANY RECEIVED AFTER PRINTING OF THE AGENDA**

1) **10 VET 044 (R.D.)**

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**MOTION:** William Rice moved, seconded by Brenda Nemec, to issue an administrative warning in the matter of case # **10 VET 044 (R.D.)**. Motion carried unanimously.

2) **10 VET 009 (S.S.)**

**10 VET 009 (S.S.)\*\***

**MOTION:** William Rice moved, seconded by Wesley Elford, to issue an administrative warning in the matter of case # **10 VET 009 (S.S.)**. Motion carried unanimously.

*(\*\* Denotes an items for consideration that were received after printing of the agenda.)*

**CASE CLOSINGS INCLUDING ANY RECEIVED AFTER PRINTING OF AGENDA**

**10 VET 049**

**MOTION:** Marthina Greer moved, seconded by Wesley Elford, to close case # **10 VET 049** for insufficient evidence. Motion carried unanimously.

**07 VET 018**

**MOTION:** William Rice moved, seconded by Sheldon Schall, to close case # **07 VET 018**, against D.K., for insufficient evidence. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** William Rice moved, seconded by Theresa Waage, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:15 p.m.